

**Highlands at Ocean Point Condominium Association**  
**Special Trustee Meeting**  
**January 26, 2015**  
**Conference Call**

**Purpose of Meeting:** This special meeting was called to discuss options and make a decision that had proved difficult to make over email. The issue was a vote on consideration of three bids received to repair flashing to correct a leak in the sliders on unit 414 (Trustee Jones' unit), and other leaks and concerns about building 4. The meeting had already been postponed once due to a blizzard; when another blizzard occurred on the evening of the rescheduled meeting, the board opted to conduct the meeting by conference call.

Attendance: Trustees Rick Cash (chair), Helen Jones (secretary) Pam Claughton (treasurer), Jan Zabriski, and Lesley Pitts; Maintenance Coordinator Donna Crone

At a special meeting of the Highlands at Ocean Point Board of Trustees, held by conference call on Monday evening, January 26, 2015, all parties being on line, the meeting commenced at 6:35 p.m.

**1. Approach to addressing leak in sliders on unit 414 and other leaks and concerns about building 4**

Chair Cash began the meeting by asking Unit Owner and Trustee Jones to summarize the history of the issue and the two proposals currently on the table.

***Summary:***

On November 1, 2014, during the very heavy, wind-blown rainstorm, unit 414 owners Jones and Marvill called Maintenance Coordinator Donna Crone to report water leaking in from the trim above the living room slider. Donna came right over to see the problem, and offered to have Earle remove the shingles above and on both sides of the slider, fix the flashing, and replace the shingles.

This is not the first problem with leakage on this side of the building; last February, Jones and Marvill reported a recurrent heavy water runoff coming from above the deck and above both sliders. In September, we learned that other owners in building 4 have reported standing water accumulating on the roof causing a deluge when the wind blows it off, and some damage possibly already resulting from improper drainage. Some owners have requested the installation of gutters to remedy the heavy runoff. We've also learned that the wall underneath the shingles on one unit (409) was constructed of particle board rather than plywood, and that when shingles were removed to make a repair, the wall was found to have disintegrated due to repeated water leakage. Further, several soft spots have been located on the exterior wall, and an unidentified bulge in the wall has been observed over 409 windows near a collection of dryer vents. Most recently, units 411 and 416 experienced leaks from the attic, through the attic space, during this most recent blizzard.

Given the various types of water-related problems identified, the numerous soft spots, and the mystery of the bulge in the wall, we (Jones and Marvill) requested that the Trustees get a thorough determination of the combination of possible causes to the water problems on the north side of building 4 by an independent contractor experienced in leak detection, and proceed to address them on the basis of that report. We view these issues, collectively, as adding up to a serious issue that needs a comprehensive response rather than a piecemeal one.

This was discussed at the November Budget Meeting, as well as at the September and December Trustees meetings. Further discussion among the Trustees over email resulted in the following two proposals:

**Option 1:** Defer the repair of the flashing on unit 414 until the spring of 2015, provided that: 1) the repair is conducted by Wilcox Aluminum (one of the 3 bidders), as described in their proposal, in the spring; 2) a complete assessment/evaluation of building 4's ocean-facing exterior wall is conducted, by Wilcox, in the spring (leaks, soft spots, flashing, bulging section); 3) Wilcox's assessment includes evaluation of any other leaks reported by any unit in building 4, including shingle removal for visual inspection; 4) the Board request a bid from Wilcox (and other contractors if the Board wishes) for repairing any exterior issues, leaks, soft spots, etc. identified in the assessment; and, 5) any additional leaks determined to be the Association's responsibility are either repaired in the spring of 2015 at the time 414 is repaired, or, if funds are insufficient, are budgeted for repair as early as weather allows in 2016.

**Option 2:** Hire a structural engineer to come look at the problem or problems and have him give us an opinion, then get a contractor. Defer proceeding on repairs to unit 414 until we speak to the contractor who is going to fix the sliders at 414. Seek to have the contractors work together or use the same contractor to avoid doing something twice.

***Discussion:***

Trustee Claughton asked whether the leaks to 414 are current; Jones confirmed that they are.

Trustee Pitts asked why some owners had requested gutters. Chair Cash stated that he had been one of the original owners to request gutters, because a lot of water runs down the wall. Due to an 8"-10" overhang, the wind blows water against the building, and water builds up around the base of the building. This is particularly an issue for the 3 units in the basement level. At one point, gutters were investigated, but they were very expensive. Trustee Jones reported that she has heard various contractors who looked at building 4 discuss less expensive approaches to gutters, but at least one contractor (Wilcox) felt that they were not needed.

Maintenance Coordinator Crone reported that this weekend's leaks in 411 and 416 have been related to a ridge roof problem that is currently being addressed by Robert's Roofing. The fascia board across the top doesn't quite meet the building and needs replacement. Robert put in some silicone cement as a temporary measure, as it is still too wet for them to work; they will go back when the weather allows. These leaks (411 and 416) occurred on this past Saturday (January 24).

Chair Cash pointed out the incorrect installation of flashing is not unique to building 4. It has been an issue in buildings 29 (Koftons) and 25 (Forte), and has been fixed as issues have arisen. Nevertheless, the north side of building 4, with its many sliders and windows, gets weather exposure unlike any of the other buildings.

Trustee Zabriskie reported that when he inspected the wall on the Hubers' deck (409), when they had work done, he observed the condition of the wall underneath the shingles, and saw improper installation of the flashing directing water under the Tyvek instead of away from the building. He also observed that the wall underneath was particle board rather than plywood, and that the water infiltration had caused the particle board to disintegrate to a consistency of oatmeal. He also observed the common nails were used rather than galvanized nails, and that they had rusted. Zabriskie also noted that the flashing on unit 414 (Jones/Marvill) is worse, is full of holes and partially rotted away. He described what the installation of flashing should look like: a 2" to 2 1/2" piece around the slider, screwed into the building to hold it in place, sealed with adhesive rubber; none of that is present

around the sliders on 414. The wood is rotten around the sliders, and the slider itself is installed improperly. Zabriskie also reported that he has found several bad or soft areas in the exterior wall on the back of 414 (ocean-facing side), which he expects may be found to be related to improper installation of flashing throughout the building, causing disintegration of underlying particle board. He stated that he is concerned about the integrity of the wall not only on 414's deck, but also the walls above and below it. He stated that he agreed with the proposal to have a structural engineer look at the building, and, when it comes time to make repairs, he advocated that the Association and the unit owner agree on one contractor to hire to make the necessary repairs to the wall (Association's responsibility), and install new sliders on 414 (unit owner's responsibility); if that is not possible, to be sure that the contractors at least talk to each other.

Trustee Jones requested that any other leaks in building 4 be repaired at the same time. In response to a question as to which units had leaks, 409, 411 and 416 were mentioned.

The Maintenance Coordinator stated that she believes that 409 windows only leak during heavy windstorms. Trustee Zabriskie stated that he believes that the gears in the windows in 409 are worn out, making it impossible to close the window tightly, and that this how the water gets in. If this is the case, the window gears would be the unit owner's responsibility.

Trustee Jones reiterated her request, even if the window itself may need repair or replacing, given the condition of the flashing and wall board observed at other locations, that the shingles be removed from the windows at 409 to inspect what's underneath, as was agreed at the December 4 trustees meeting. It was agreed that we should take a look at the outside.

Chair Cash reported that he called Steve Ninos of On-Site Insight to find out what it would cost for an evaluation of the back of building 4 (ocean-facing wall), as well as to attend the Board meeting to go over the Final Report from the *Capital Needs Assessment and Replacement Reserve Analysis*, conducted by On-Site Insight in 2012. The cost would be \$495 per hour. He estimated that, for the engineer to spend an hour evaluating the building, and a half-hour to one hour with the trustees going over the report would cost around \$600; adding the cost of travel to and from Boston could bring it to \$900.

Trustee Claughton stated that she would consider it money well spent; Trustee Pitts stated that this action seems to make the most sense. Chair Cash pointed out that we have 3 estimates from 3 different contractors, ranging from \$790 to \$8,500, none of whom are in agreement about the nature of the repair needed, and it seems unwise to spend on a gamble that one of them might be right. This is why he originally proposed the structural engineer. Trustee Jones requested, when the engineer looks at building 4, that he talk to each owner who has concerns and let the owners show him specifically what they are concerned about. With so many different opinions about the cause of each problem, it seems a waste to have the engineer spend time without being informed by the owner's perspective. It was agreed that the engineer would speak with each unit owner who is experiencing a problem. The units identified whose owners the engineer should try to speak with are 409, 411, and 414. Trustee Zabriskie agreed, and offered to accompany the Maintenance Coordinator and the engineer when he comes to evaluate the building.

Unit Owner Jones then requested that unit 414 be closed up for the rest of the winter. The shingles have been off since November 20. Maintenance Coordinator Crone stated that she would ask Earle to address it when he comes in tomorrow (January 27).

**Decision:**

By unanimous agreement, the Board will hire a structural engineer from On-Site Insight to evaluate building 4. In the course of inspecting the building, the engineer will try to speak with each unit owner who is experiencing a problem. Repairs to leaks in unit 414 and other units will be deferred until we have the results of that evaluation. All repairs will be made simultaneously, using one contractor for all repairs if possible. The engineer will be asked to come out on Monday, March 2, to coincide with the next Board meeting, and spend some time with the Board walking us through the Needs Assessment final report.

## **2. Other business – vehicle and pet violations.**

The status of a current violation was discussed. Although one vehicle has been removed from the property in response to the first notice and fine, nothing has changed regarding the expired inspection sticker on the second vehicle. The Secretary was asked to draft a second letter regarding the derelict vehicle, imposing another fine of \$100 for the second week, beginning Saturday, January 24.  
Approved by unanimous vote in favor.

***Secretary's note:** A review of email votes taken on January 26 reveals that the Trustees had previously agreed to approve a request for an extension to January 31 before imposing a second fine. Accordingly, no second letter was sent.*

The same unit being in violation of the pet policy was also noted. The Secretary was asked to draft another letter to cite one of the owners having being observed allowing the pet to be off-leash and not picking up after it, and mention that this dog is already in violation of the policy by being over the 30 pound weight restriction. Other incidences of owners not picking up after their pets or having guests stay with the dog while away, and the guests not picking up after the dog were also mentioned. A third unit in violation of the pet policy by having two dogs was also mentioned.

It was observed that the owner of one of the overweight dogs was supposed to be visiting the Unit Owner, but has become a permanent resident. Because the Unit Owner did not notify the Board as required, the Board has no contact information for this newer resident/pet owner. The Secretary was asked to draft a letter to the Unit Owner. The letter should mention that the dog owner may not be aware of the pet policy, and clarify that when guests are staying over and caring for the dog, they are responsible for adhering to the pet policy. The letter should mention that this dog is already in violation of the policy by being over the 30 pound weight restriction, and that in the future a similar dog would not be approved.

There has been mention of exceptions having being made for some of these overweight and multiple dogs, but there is no record of any Trustee decisions regarding exceptions. The Board was asked whether any current Trustees have personal knowledge of or were personally involved in approving any exceptions to the policy. No Trustees had any such direct knowledge.

All letters will be run by the Trustees prior to sending to the Unit Owners.

## **3. Adjourn**

The purpose for the special meeting having been concluded, the chair adjourned the meeting.

Respectfully submitted, Helen Jones, secretary, February 25, 2015

Approved: Chair Rick Cash, March 2, 2015